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FROM DIRECTORS OFFICE

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TECHNOLOGY CENTER 3000

In re application of:

Lance Johnson et al.

Application No. 09/523,405

Filed: March 10, 2000

For: ROUTING METHODS AND SYSTEMS FOR
INCREASING PAYMENT TRANSACTION
VOLUME AND PROFITABILITY

DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

This is a decision on the request filed on June 7, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks condition A) above.

As to condition A), it is noted that the power of attorney by assignee filed March 10, 2000 is improper since it lacks a proper statement submitted in accordance with 37 CFR 3.73(b) providing documentary evidence of a chain of title from the original owners to the assignee or a statement specifying where this evidence is recorded in the Office (e.g., reel and frame number). Therefore, the assignee does not have power to appoint a power of attorney. Additionally, it is noted that the attorney signing the request does not have power of attorney in this application, and there is no record of power of attorney ever being given to the attorney making the request.



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KJD/vdb: 7/20/04